

REMARKS

Applicants request favorable reconsideration of this application in view of the foregoing amendments and the following remarks. Claims 1-12 were pending in the application and were rejected in the Office Action. By way of this amendment, Applicants have: (a) amended claims 1, 6, 7, and 12; (b) canceled claim 11, which was duplicative of claim 1; and (c) added new claims 13-23, which depend from claims 1 and 12. Accordingly, claims 1-10 and 12-23 are respectfully presented for further consideration.

Applicants appreciate the indication of allowable subject matter in claims 4, 8, and 10. At this time, claims 4, 8, and 10 remain in dependent claim format because claim 1, *i.e.*, the claim from which claims 4, 8, and 10 depend is allowable for at least the reasons later discussed in detail.

1. Rejection under 35 U.S.C. § 112

The Examiner rejected claims 1-12 under 35 U.S.C. § 112, ¶ 2 as allegedly being indefinite. Preliminarily, this rejection is now moot with respect to claim 11, which was canceled as being duplicative of claim 1. Accordingly, the rejection will be addressed, and respectfully traversed, with respect to claims 1-10 and 12.

Based on the stated rejection, it is Applicants' understanding that the Examiner objected to the claims based on the question as to whether the "steering-gear housing" and/or the "vehicle-body member," which are recited in claims 1 and 12, were to be construed as limitations. As shown by the amendments made herein to independent claims 1 and 12, the "steering-gear housing" and the "vehicle-body member" recited in claims 1 and 12 are not limitations and instead describe the environment in which the structure is configured to be used. As a result, the claims are sufficiently definite and, therefore, the rejection of claims 1-10 and 12 under 35 U.S.C. § 112, ¶ 2 should be withdrawn.

2. Rejections under 35 U.S.C. § 103(a)**A. Rejection of Claims 1-3, 6, 7, 9, 11, and 12**

The Examiner rejected claims 1-3, 6, 7, 9, 11, and 12 under 35 U.S.C. § 103(a) as allegedly being obvious in view of U.S. Patent No. 4,314,710 ("Kamoshita"). Preliminarily, this rejection is now moot with respect to claim 11, which was canceled as being duplicative of claim 1. Accordingly, the rejection will be addressed, and respectfully traversed, with respect to claims 1-3, 6, 7, 9, and 12.

As amended herein, independent claim 1 (*i.e.*, the claim from which claims 2, 3, 6, 7, and 9 depend) recites a structure for fixing a steering-gear housing to a vehicle-body member. This structure includes, among other possible things (italic emphasis added):

a first bracket comprising:

a first supporting face that is configured to support one circumferential side face of the steering-gear housing,
a first abutting face that is arranged at one circumferential end and that is configured to abut the vehicle-body member,
a first bolt hole arranged through the first abutting face, and
a second abutting face arranged axially opposite to the first abutting face through the first bolt hole;

a second bracket comprising:

a second supporting face that is configured to support another circumferential side face of the steering-gear housing,
a third abutting face that is arranged at one circumferential end and that abuts the second abutting face, and
a second bolt hole that is arranged through the third abutting face at a position corresponding to the first bolt hole and *that is smaller in an axial length than the first bolt hole*;
a member that secures another circumferential end of the first bracket and another circumferential end of the second bracket; and
a bolt that is arranged from the second bolt hole through the first bolt hole and that is configured to secure the first bracket, the second bracket, and the vehicle-body member together.

Similarly, independent claim 12, as amended herein, recites a structure for fixing a steering-gear housing to a vehicle-body member. This structure includes, among other possible things (italic emphasis added):

a first bracket comprising:

a first supporting face that is configured to support one circumferential side face of the steering-gear housing,
a first abutting face that is arranged at one circumferential end and that is configured to abut the vehicle-body member,
a first bolt hole arranged through the first abutting face, and
a second abutting face arranged axially opposite to the first abutting face through the first bolt hole;

a second bracket comprising:

a second supporting face that is configured to support another circumferential side face of the steering-gear housing,
a third abutting face that is arranged at one circumferential end and that abuts the second abutting face, and
a second bolt hole that is arranged through the third abutting face at a position corresponding to the first bolt hole and *that is smaller in an axial length than the first bolt hole*;

means for securing another circumferential end of the first bracket and another circumferential end of the second bracket; and

means, arranged from the second bolt hole through the first bolt hole, for securing the first bracket, the second bracket, and the vehicle-body member together.

As hereafter explained, Kamoshita fails to teach or suggest the structure recited in either of claims 1 and 12. More specifically, the Office Action asserts that Kamoshita's support bracket 12 and clamp plate 14 are analogous to the first and second brackets recited in claims 1 and 12; there are at least three problems with this analogy.

First, claims 1 and 12 recite, as above-italicized, that the "first bolt hole [is] arranged through the first abutting face." Moreover, the first abutting face is recited as being "configured to abut the vehicle-body member" (*i.e.*, the vehicle frame cross member 11). The portion of Kamoshita's support bracket 12 (*i.e.*, the first bracket) that abuts the vehicle frame cross member 11 (*i.e.*, the vehicle-body member), however, does not have a bolt hole. Rather, as clearly shown in Figure 3 of Kamoshita, the support bracket 12 (*i.e.*, the first bracket) and the vehicle frame cross member 11 (*i.e.*, the vehicle-body member) are simply welded together, *i.e.*, the bolt hole for the upper bolt in Figure 3 of Kamoshita is, contrary to the limitations of claims 1 and 12, not "arranged through the first abutting face."

Second, the bolt holes associated with the upper bolt in Figure 3 do not satisfy the axial limitations of claims 1 and 12. Specifically, claims 1 and 12 recite that the second bolt hole (*i.e.*, the bolt hole though the third abutting face of the second bracket) is "smaller in an axial length than the first bolt hole." In contrast, however, the second bolt hole through Kamoshita's clamp plate 14 (*i.e.*, second bracket) is clearly *greater* in axial length than the first bolt hole through Kamoshita's support bracket 12. Applicants note that the Office Action attempted to cure this deficiency of Kamoshita (*see* Office Action at p. 4) by arguing that one of ordinary skill in the art would have been motivated to make "the size of the third abutting face smaller in the axial length than the first bolt hole to *reduce* the length of [the] bolt for connecting the two brackets together." (*italic emphasis added*). This purported motivation, however, is contrary to the instant application, which states that longer length is preferred, as it increases the bolt tightening strength. *See, e.g.*, ¶¶ [0028], [0033].

Third, the upper bolt (in Figure 3) that passes through the bolt holes in the support bracket 12 and clamp plate 14 (*i.e.*, first and second brackets) is neither: "configured to secure the first bracket, the second bracket, and the vehicle-body member together" (as recited in claim 1) nor "for securing the first bracket, the second bracket, and the vehicle-body member together" (as recited in claim 12). Rather, as clearly shown in Figure 3, Kamoshita's upper bolt is only for securing the support bracket 12 and clamp plate 14 (*i.e.*,

the first and second brackets together), *i.e.*, the bolt does not secure the support bracket 12 and clamp plate 14 to the vehicle frame cross member 11 (*i.e.*, the vehicle-body member).

For at least the foregoing reasons, it is clear that Kamoshita fails to teach or suggest at least the three above-italicized limitations recited in claims 1 and 12. As a result, standing alone Kamoshita can not be used to reject claims 1 and 12, or any claim dependent thereon, under 35 U.S.C. § 103(a). Moreover, as claims 2, 3, 6, 7, and 9 depend from claim 1, each of these dependent claims is also allowable over Kamoshita, without regard to the other patentable limitations recited therein. Accordingly, a withdrawal of the rejection of claims 1-3, 6, 7, 9, and 12 under § 103(a) is both warranted and earnestly solicited.

B. Rejection of Claim 5

The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as allegedly being obvious when considering Kamoshita in view of U.S. Patent No. 4,020,531 (“Ahrens”). For the following reasons, Applicants respectfully traverse this rejection.

As previously discussed, Kamoshita fails to teach or suggest at least the three above-italicized limitations recited in claim 1, *i.e.*, the claim from which claim 5 depends. As hereafter explained, Ahrens fails to cure these deficiencies of Kamoshita.

Although Ahrens teaches bolts 10 that connect two brackets (*i.e.*, clamps 1 and 8) to each other and to a body member (*i.e.*, flange 19), Ahrens fails to teach or suggest that the two brackets have first, second, and third abutting faces as recited in claim 1. More specifically: (a) the surfaces of the lower bracket (*i.e.*, clamp 1) that abut the body member (*i.e.*, flange 19) lack bolt holes and, therefore, they can not be analogized to the first abutting surface; and (b) as the first and second brackets (*i.e.*, clamps 1 and 8) do not abut (because they are separated by nuts 21), there is no structure analogous to the second and third abutting surfaces.

For at least the foregoing reasons, it is clear that the combination of Kamoshita and Ahrens fails to teach or suggest at least the three above-italicized limitations recited in claim 1. As a result, the combination of Kamoshita and Ahrens can not be used to reject claim 1, or any claim dependent thereon, under 35 U.S.C. § 103(a). Moreover, as claim 5 depends from claim 1, claim 5 is also allowable over the combination of Kamoshita and Ahrens, without regard to the other patentable limitations recited therein. Accordingly, a withdrawal of the rejection of claim 5 under § 103(a) is both warranted and earnestly solicited.

3. New Claims 13-23

As new claim 13 depends from claim 1, new claim 13 is allowable for at least the same reasons as claim 1, without regard to the other patentable limitations recited therein. Similarly, as new claims 14-23 depend from claim 12, new claims 14-23 are allowable for at least the same reasons as claim 12, without regard to the other patentable limitations recited therein.

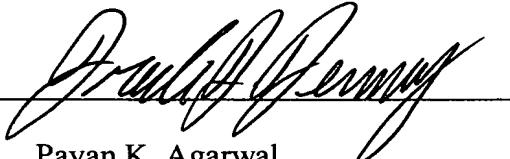
CONCLUSION

For the aforementioned reasons, claims 1-10 and 12-23 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

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